



The DRIVING SCENE.



The OAK TREE SCENE.



The FURZE BUSH SCENE.

THE
T R I A L
OF
Lady Ann Foley ;

(PRICE TWO SHILLINGS AND SIXPENCE.)

[Entered at Stationers Hall.]

THE
T. R. A. I.

Lady Ann Foley

(LONDON: J. JOHNSON, 1773)

(LONDON: J. JOHNSON, 1773)

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THE
T R I A L
O F
Lady Ann Foley;

WIFE OF THE
Hon. EDWARD FOLEY, Esq;

And Daughter of

WILLIAM, EARL OF COVENTRY,

For A D U L T E R Y,

WITH THE

Right Hon. Charles Henry Earl of Peterborough,

In the Consistorial and Episcopal Court at
DOCTOR'S COMMONS.

C O N T A I N I N G

THE WHOLE OF THE EVIDENCE.

L O N D O N:

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W. Musgrave.

P R E F A C E

MR. Foley, some time ago, commenced an action against the Earl of Peterborough for *crim. con.* with his lady; and the cause was tried at the Assizes at Hereford, before a very respectable jury, who gave two thousand five hundred pounds damages for the plaintiff.

The intention of Mr. Foley, in bringing the above mentioned action, was solely to recover *damages*, and therefore the plaintiff, (thinking one fact properly established would be sufficient) produced only one proof of her criminality, by the evidence
of

of John Davis, who related the particulars of the amour in the shrubbery.

The cause instituted in the Commons, by Mr. Foley against Lady Ann his wife, was for a very different purpose, *viz* to obtain a *divorce*. Determined, if possible, to succeed in his endeavours, he has produced and substantiated a variety of charges which were not even mentioned in the trial at Hereford: particularly the several facts sworn to by Benjamin Smith, who deposes that he saw the Earl of Peterborough, and Lady Ann, in the act of adultery against an oak, and minutely relates the particulars.

Another very extraordinary fact is
also

also deposed to in this trial, which was not noticed in that for recovering damages, *viz.* the amour upon the grafs among the furze bushes ; wherein the whole tranfaction is related, from the moment of Lady Ann's laying herself down on the grafs, to the conclusion of the amorous business.

Another scene of adultery in the post-chaise, between the Earl and Lady Ann, is here particularly deposed to, though wholly omitted in the former trial ; also the circumstances of the amour between his lordship and Lady Ann in the coach, which stood above an hour in the street, without motion ; except the
motion

motion which was occasioned by their embraces.

These and many other particulars are deposed to in this trial, which were wholly unnoticed in that at Hereford. It appears extraordinary that these curious facts were not deposed to in the trial for damages, as the jury would doubtless, in that case, have given a larger sum. It is probable however, that Mr. Foley had his reasons for it.

T H E

THE
T R I A L
O F
LADY ANNE FOLEY.

L I B E L.

IN THE NAME OF GOD, AMEN;
before you the Right Worshipful
William Wynne, Doctor of Laws, Vicar
General, of the Right Reverend Father in
God, Robert, by Divine Permission, Lord
Bishop of London, and Official Principal
of the Consistorial and Episcopal Court of
London, lawfully constituted your Surrogate,
or any other competent Judge in this be-
half, the proctor of the Honourable Ed-
ward Foley, Esquire, of the Parish of Saint

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Mary

Mary-le-bone, in the County of Middlesex, and Diocese of London, (the lawful Husband of the Right Honourable Lady Ann Foley :) against the said Right Honourable Lady Ann Foley, of the Parish, County and Diocese aforesaid, his Wife, and against every other Person, and Persons lawfully intervening, or appearing in Judgment for her, before you, by way of Complaint, and hereby complaining unto you in this behalf doth say, alledge, and by this Writing in Law, articulately propound as follows : (to wit.)

A R T I C L E I.

That in the year 1778, the said honourable Edward Foley, Esq; being a batchelor, and free from all matrimonial contracts, and engagements, did make his courtship and address in the way of marriage, to the said Right Honourable Lady Foley, then the Right Honourable Lady Ann Coventry, spinster, youngest daughter of the Right Honourable George William Earl of Coventry,

Coventry, who was also free from all matrimonial contracts and engagements, and did receive the courtship and address of him the said Honourable Edward Foley, and consent to be married to him; and accordingly on or about the twenty-fourth day of October in the said year 1778, they the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, then the Right Honourable Lady Ann Coventry, were lawfully joined together in holy matrimony, according to the rites and ceremonies of the church of England, as by law established in the dwelling house of J. Lucy, in Alfred-street, in the parish of Walscot, in the county of Somerset, by the Reverend Saint Andrew Saint John, clerk, a priest or minister in holy orders, in the church of England, and then rector of Fawley in the county of Southampton, and now dean of the cathedral church of Worcester, who then and there pronounced them to be lawful husband and wife, in the presence and hearing of the said Right Honourable

George William Earl of Coventry, the father of the said Right Honourable Lady Ann Foley, then the Right Honourable Lady Ann Coventry and others; and by virtue of a special licence obtained by him the said Honourable Edward Foley, under seal of the office of faculties of the Lord Archbishop of Canterbury for that purpose. And this was and is true, public and notorious; and so much the said Right Honourable Lady Ann Foley, the other party in this cause, doth know and believe in her conscience, and hath confessed to be true; and the party proponent doth alledge and propound of any other time, and place, as shall appear from the proofs to be made in this cause, and in every thing in this, and the subsequent articles of this libel, contained jointly and severally.

A R T I C L E II.

That in supply of proof of the premises mentioned in the next preceeding article,
and

and to all other intents and purposes, in the law whatsoever, the party proponent doth exhibit, and hereto annex, and prays to be here read and inserted, and taken as part and parcel, and hereof a certain paper writing, marked No. 1, and doth alledge and propound the same to be, and contain a true copy of the entry of the marriage of the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, formerly the Right Honourable Lady Ann Coventry, mentioned in the next preceeding article, that the same hath been faithfully extracted from the register book of marriages, belonging to the said parish of Walcott in the County of Somerset, and carefully collated with its original, now remaining therein, and agrees therewith, that all and singular the contents of the said exhibit, were, and are true, that all things were so had, and done, as are therein contained; and that the Honourable Edward Foley, of the parish of Saint Mary-le-bone, in the county of Middlesex, and member in the present

present parliament for the county of Worcester, a batchelor, and the Right Honourable Lady Ann Margaret Coventry, (youngest daughter of the Right Honourable George William Earl of Coventry) therein mentioned, and the Honourable Edward Foley, and the Right Honourable Lady Ann Foley, the parties in this cause, were and are the same persons, and this was and is true, public, and notorious, and so much the said Right Honourable Lady Foley doth know and believe in her conscience, and hath confessed to be true; and the party propo-
nent doth alledge and propound as before,

A R T I C L E III.

That from, and immediately after the solemnization of the said marriage; they the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, his wife, lived, and cohabited together at bed,
and

and abroad, as lawful husband and wife, and consummated their said marriage, by carnal copulation, and procreation of a child; and they so lived and cohabited together at divers places : (to wit.) at Stroke Court, in the county of Hereford ; the seat of the said Honourable Edward Foley, in Weymouth Street, in the parish of Saint Mary-le-bone, aforesaid ; at Weymouth, in the county of Dorset, in Somerset Street, in the parish of Saint Mary-le-bone ; aforesaid, in Chandos Street, in the parish of St. Mary-le-bone, aforesaid, at Hastings, and Brighthelmstone, in the county of Suffex ; and in South Street, in the parish of St. George's, Hanover Square, in the county of Middlesex, and other places, and for, and as lawful husband and wife ; they the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, have ever since their said marriage, constantly owned and acknowledged each other, and were, and are so commonly accounted, reputed, and taken to be, by and amongst their relations, neighbours,

bours,

bours, friends and acquaintances, and others. And this was and is true, public, and notorious, and so much the said Right Honourable Lady Ann Foley doth know and believe in her conscience, and hath confessed, to be true, and the party proponent doth alledge and propound as before.

A R T I C L E. IV.

That the said Honourable Edward Foley continued to live and cohabit with the said Right Honourable Lady Ann Foley his wife, until some time in or about the latter end of the month of November last, during all which time he constantly behaved to her with the greatest love, tenderness and affection, and treated her with every honour, respect and indulgence due to her birth and rank; but in or about the latter end of the said month of November, she the said Right Honourable lady Ann Foley set out for London, and went to the house of Miss Foley, in

in Chandos Street, to prepare for an intended journey to the continent, and he, the said Honourable Edward Foley, meant to follow her to London; but having received information that a criminal correspondence had been carried on, and was then carrying on, between the Right Honourable Charles Henry, Earl of Peterborough, and Monmouth; and her the said Right Honourable Lady Ann Foley; and he desisted from his intention, and immediately withdrew himself from the company, and conversation of the said Right Honourable Lady Ann Foley. And this was, and is true, publick and notorious, and so much the said Right Honourable Lady Ann Foley doth know and believe, in her conscience, and hath confessed to be true, and the party proponent doth alledge, and propound as before.

A R T I C L E V,

That some time in the year 1781, the

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Right Honourable the Lord Deerhurst, the said Right Honourable Lady Ann Foley's brother, introduced the said Right Honourable Charles Henry Earl of Peterborough, and Monmouth, to the company and acquaintance, and into the house of the said Honourable Edward Foley; and from that time they became, and continued very intimate. And in, or about the months of January, February, and March, 1782, whilst the said Honourable Edward Foley lived in Weymouth Street aforesaid; the Right Honourable Charles Henry Earl of Peterborough, and Monmouth, frequently paid morning visits to, and dined with the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, his wife, and was received by the said Honourable Edward Foley, with the greatest hospitality, and upon the most friendly footing: and in or about the month of April, 1783, whilst the said Honourable Edward Foley lived

lived in Somerset Street; the said Right Honourable Charles Henry Earl of Peterborough and Monmouth returned from the Continent, where he had been for a few months, and renewed his acquaintance with, and visits to the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, his wife: and in the month of August 1783, the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, returned from Herefordshire, to London, and went to reside at the house of the Honourable Miss Foley, in Chandos Street, aforesaid; where they continued until on, or about the twenty-ninth day of September, 1783; where they were again frequently visited by the said Right Honourable Charles Henry Earl of Peterborough and Monmouth; and on, or about the said twenty-ninth day of September, 1783, the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley,

accompanied by the said Right Honourable Charles Henry Earl of Peterborough and Monmouth, went to Hastings, and from thence to Brighthelmstone, in the county of Suffex, together ; where the said Lord Peterborough staid only one day, and in the month of November following, the said Honourable Edward Foley, and the said Right Honourable Lady Ann Foley, returned to London to a ready furnished house in South Street, aforesaid ; where they continued to reside, until on, or about the twenty-fourth day of March, 1784, during which time, the said Lord Peterborough was very frequent in his visits, at the said Hon. Edward Foley's said house ; and in, or about the latter end of April, 1784, the said Lord Peterborough went to Cheltenham, in the county of Gloucester, for the benefit of his health, as he pretended, and from thence sent a letter to the said Honourable Edward Foley, at Stoke Court, in the
able

county of Hereford ; which is about thirty miles from Cheltenham, enquiring after the said Honourable Edward Foley's, and the Right Honourable Lady Ann Foley's health, and the said Honourable Edward Foley not then in the least suspecting that any criminal intercourse had been carried on, or was then carrying on between the said Lord Peterborough, and the said Right Honourable Lady Ann Foley, soon after the receipt of such letter, sent an invitation to the said Lord Peterborough, to come and pass some time at Stoke Court, which invitation the said Lord Peterborough accepted ; and on, or about the twelfth day of May, 1784, paid his first visit to the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, at their house at Stoke Court, aforesaid ; and from that time until on, or about the said second day of September, 1784, the said Lord Peterborough several times visited them there,

there, for a few days at a time, and then returned to Cheltenham ; and on, or about the said second day of September, 1784, the said Lord Peterborough returned to Stoke Place with his servants, and horses, and continued wholly to reside, and be received with the greatest hospitality and friendship, by the said Honourable Edward Foley, untill on, or about the twentieth day of September, 1784, and this was, and is true, publick, and notorious, and so much the said Right Honourable Lady Ann Foley doth know and believe in her conscience, and hath confessed to be true, and the party proponent doth alledge, and propound as before.

A R T I C L E VI.

That the said Lord Peterborough having got access to the said Honourable Edward Foley's family, by the ways before mentioned,

tioned, and taking advantage thereof, used every art and means in his power, to alienate the affections of the said Right Honourable Lady Ann Foley, from the said Honourable Edward Foley, her husband; and she, the said Right Honourable Lady Ann Foley being of a wicked and lustful disposition, wholly unmindful of her conjugal vow; and not having the fear of God before her eyes, did, whilst she so as aforesaid, lived and cohabited with the said Honourable Edward Foley, her husband, and unknown to him, carry on a lewd and adulterous correspondence with the said Lord Peterborough, in divers places, and on many occasions committed the foul crime of adultery with him. And this was, and is true, publick and notorious, and the party proponent doth alledge and propound as before,

A R T I C L E VII.

That some time in, or about the month
of

of March, 1784, the said Honourable Edward Foley, and the Right Honourable Lady Ann Foley, his wife, went together to a ball, given by his Royal Highness the Prince of Wales, at the Carlton House; and the said Honourable Edward Foley staid but a short time at the Prince of Wales's, and then went away, leaving the said Right Honourable Lady Ann Foley there; who staid there until about four, or five o'clock the next morning, and then left the said Carlton House, in the said Honourable Edward Foley's coach, accompanied by the said Lord Peterborough, and no other person, and the said Lord Peterborough, ordered Thomas Simmons, the coachman, to drive to his, the said Lord Peterborough's mother's house, in Dean Street, Soho; which he accordingly did, and when the coach arrived and stopped there, the said Lord Peterborough ordered Thomas Andrews, the footman, not to knock at the door; and the said Thomas Simmons continued on the coach

coach-box, and the said coach with the said Right Honourable Lady Ann Foley, and Lord Peterborough therein, and the blinds drawn up, stopped at such door for an hour, or thereabouts, during which time the said coach was in motion several times; and so observed to be by the said Thomas Simmons, and Thomas Andrews, notwithstanding the horses stood still, and they the said Right Honourable Lady Ann Foley, and Lord Peterborough then and there had the carnal use and knowledge of each others bodies; and thereby she the said Right Honourable Lady Ann Foley committed the foul crime of adultery, and it being a remarkable fine and bright moon-light morning, almost as clear as day, the said Thomas Simmons, as he sat on the coach-box, on looking through the front window of the said coach, plainly saw the said Right Honourable Lady Ann Foley, lying upon her back upon the back seat of the said coach, with

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her naked thighs exposed, and the said Lord Peterborough lying upon her, and between her naked thighs, and they were then in the very act of carnal copulation; and the said coach was then in motion, occasioned thereby, notwithstanding the horses were standing still. And this was and is true, public, and notorious; and the party proponent doth alledge and propound as before.

A R T I C L E VIII.

That at many other times in the winter of the year 1783, and in the spring of the said year 1784, the said Thomas Simmons hath at nights driven the said Right Honourable Lady Ann Foley and Lord Peterborough, about the streets of London, in the said Honourable Edward Foley's coach, at some of which times, the said Thomas Simmons, hath by the said Lord Peterborough's

rough's order, stopped in the street for a considerable time, whilst they remained in coach with the blinds pulled up, at which times they the said Right Honourable Lady Ann Foley, and Lord Peterborough had the carnal use and knowledge of each others bodies, and thereby she the said Right Honourable Lady Ann Foley, committed the foul crime of adultery; and this was and is true, public, and notorious, and the party proponent doth alledge and propound as before.

ARTICLE IX.

That on or about the twenty-eight day of May, 1784, and whilst the said Lord Peterborough was at the house of the said Honourable Edward Foley, at Stoke Court, William Maull, master of the crown inn at Worcester, by order of the said Mr. Foley, sent Benjamin Smith, his servant,

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with a pair of jobb horses for the use of his carriage, and the said Benjamin Smith, with such jobb horses continued at Stoke Court, until on or about the fifth day of September following, and frequently during that time drove the said coach with the said Right Honourable Lady Ann Foley, and Lord Peterborough therein, alone together to several places; that the said coach had a large double window in the front thereof, and a narrow bench within to communicate from one seat to the other, and about three weeks after the said Benjamin Smith so went to Stoke Court with the said jobb horses, he drove the said Right Honourable Lady Ann Foley, and the said Lord Peterborough alone together in the said Lord Peterborough's coach, about two miles from Stoke Court, near Eastwood, in the turnpike road to Sudbury in the county of and as he was driving the said carriage gently up hill, he the said Benjamin Smith, on looking thro' the front window of the said coach, plainly

saw the said Right Honourable Lady Ann Foley lying on her back upon the bench in the said coach with her thighs naked, and extended and exposed towards him the said Benjamin Smith, and the said Lord Peterborough was then lying upon the said Right Honourable Lady Ann Foley, and between her thighs in the very act of carnal copulation, and continued in that position several minutes, at which time they the said Right Honourable Lady Ann Foley, and Lord Peterborough, had the carnal use and knowledge of each others bodies; and thereby she the said Right Honourable Lady Ann Foley, committed the foul crime of Adultery. And the party proponent doth further alledge, and propound; that after the said Right Honourable Lady Ann Foley, and Lord Peterborough had quitted the said coach, the said Benjamin Smith found in one of the pockets thereof, a white handkerchief, with several marks or stains thereon, and which had

had been used by the said Lord Peterborough, and the Right Honourable Lady Ann Foley, or one of them to wipe their, or one of their privates : and this was, and is true, publick and notorious : and the party proponent doth alledge and propound, as before.

A R T I C L E X.

That soon after the premises mentioned in the next preceeding article, the said Benjamin Smith drove the said Right Honourable Lady Ann Foley, and Lord Peterborough in a phaeton, to the top of Stoke Park, near the double gates there, where he stopped, by order of the said Lord Peterborough, and the said Lord Peterborough got out of the said phaeton, and recommended a walk to the said Right Honourable Lady Ann Foley ; and she thereupon also quitted the said carriage, and

and they walked together about fifty yards from the place where the said carriage stood; and then the said Right Honourable Lady Ann Foley laid herself down on the grass, near some gorse; and then the said Lord Peterborough unbuttoned his breeches, and pulled up her petticoats, and laid down upon her; and they then and there had the carnal use, and knowledge of each other's bodies; and thereby the said Right Honourable Lady Ann Foley committed the foul crime of adultery: and they continued on the ground together about ten minutes; during all which time they were plainly seen and observed, by the said Benjamin Smith. And this was, and is true, publick and notorious, and the party propo-
nent doth alledge, and propound as before.

A R T I C L E XI.

That on the next day after the premises mentioned in the next preceeding article, the
said

said Benjamin Smith drove the said Right Honourable Lady Ann Foley, and Lord Peterborough in the said phaeton, to the top of Stoke Park, near the double gates there, and near the same spot they were at on the day before; when he again stopped by the order of the said Lord Peterborough, and then she the said Right Honourable Lady Ann Foley, and Lord Peterborough, got out of the said phaeton, and walked together about one hundred yards amongst the trees; when they stopped, and then she, the said Right Honourable Lady Ann Foley, put her back to, and leaned against an oak tree, and she, the said Right Honourable Lady Ann Foley, or the said Lord Peterborough, pulled her petticoats up to her waist, and thereby exposed her naked thighs: and the said Lord Peterborough pulled down his breeches, and got between her legs and thighs; and then carnally enjoyed her, and they then and there leaning against the said oak tree, had the carnal use and knowledge

knowledge of each others bodies, and thereby she, the said Honourable Lady Ann Foley, committed the foul crime of adultery ; all which was plainly seen and observed by the said Benjamin Smith, and John Hookey, the younger, the said Lord Peterborough's servant. And this was, and is true, publick and notorious, and the party proponent doth alledge, and propound as before.

A R T I C L E XII.

That on a day happening between the months of May, and September, 1784, the said Benjamin Smith drove the said Right Honourable Lady Ann Foley, and Lord Peterborough in a phaeton, on the turnpike road from Stoke Court, to the city of Hereford ; and in the course of such journey, observed the said Right Honourable Lady Ann Foley, with her petticoats up, sitting
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in the said Lord Peterborough's lap; whose breeches were down, and her hand therein; and on the said Lord Peterborough's perceiying that the same was taken notice of, by the said Benjamin Smith, he the said Lord Peterborough said to the said Benjamin Smith; postboy, mind your horses, and don't look at us; and this was and is true, public and notorious; and the party proponent doth alledge and propound as before.

A R T I C L E XIII.

That on Friday, the 9th day of July, 1784, the said Right Honourable Lady Ann Foley, and Lord Peterborough had an interview; and they then agreed to meet and continue their criminal intercourse on the Sunday following. That the next Monday was the day fixed for the election of members, to serve in parliament for the city of Hereford

Hereford; and on Saturday morning, the tenth day of the said month of July, 1784, being the saturday preceeding the said election, the said Lord Peterborough did, with his own hand, write, and send a letter to the said Right Honourable Lady Ann Foley; and therein acquainted her, that he had repented on having fixed on Sunday for their meeting; that he thought Mr. Foley's coming on the morrow, a certainty; as the Hereford election was to be on Monday, which would be a much better day, as she would be sure of his not being with her, and appointing to be at the three mile stone from Ledbury, on Monday, at half an hour after five; which said letter, she, the said Right Honourable Lady Ann Foley, duly received; and this was, and is true, publick and notorious; and the party proponent doth alledge, and propound as before.

ARTICLE XIV.

That in supply of the proof of the prem

ses mentioned in the next preceeding article; and to all other intents and purposes in law, whatsoever the party proponent doth exhibit and hereto annex, and prays to be here read and inserted, and taken as part and parcel hereof, a certain paper writing, marked No. 2, and doth alledge and propound the same to be, and contain the original letter, written and sent by the said Lord Peterborough, to the said Right Honourable Lady Ann Foley, as mentioned in the next preceeding article; that the whole series and contents thereof, were and are of the proper hand writing of the said Right Honourable Charles Henry Earl of Peterborough, and so known, and believed to be, by several persons of good credit, and reputation, who have frequently seen him write, and thereby came to know, and be well acquainted with the manner and character of his hand-writing; and that the Right Honourable Charles Henry Earl of Peterborough,

rough, who did so write and send the said letter; and the Right Honourable Charles Henry Earl of Peterborough, with whom the said Right Honourable Lady Ann Foley carried on a lewd, and adulterous correspondence as herein before pleaded, was, and is one and the same person, and not divers; and that the Right Honourable Lady Ann Foley, to whom the said letter is addressed, and the Right Honourable Lady Ann Foley, the party accused in this cause, wife of the said Honourable Edward Foley, was, and is one, and the same person, and not divers; and this was, and is true, publick and notorious; and the party propo-
nent doth alledge, and propound as before.

ARTICLE XV.

That about six o'clock of the evening, of Thursday, the 30th day of September, 1784, the said Right Honourable Lady Ann Foley, and

and Lord Peterborough were together in the walk in the shrubbery, near the grotto, in the said Honourable Edward Foley's grounds, at Stoke Court aforesaid, and he, the said Lord Peterborough was then standing in the said walk with the said Right Honourable Lady Ann Foley in his arms: that her arms were round his neck, and her legs round his; with her cloaths up to her waist, and her nakedness exposed from her waist downwards; and his arms were round her body, and both their bodies were in motion, and they were then in the very act of carnal copulation, and then had the carnal use and knowledge of each others bodies; and thereby she, the said Right Honourable Lady Ann Foley, committed the foul crime of adultery; and so much was seen, observed, and taken notice of, by John Davies, Bricklayer, who had been that day employed in pulling down a pigeon house, in Stoke Park, and was returning from his work, and was walking along the road, which runs parallel

parallel with the said shrubbery, and heard the said Right Honourable Lady Ann Foley cry out three times, "oh dear," and say, "you hurt me": and this was, and is true, publick and notorious, and the party propo-
nent doth alledge, and propound as before.

ARTICLE XVI.

That the said Honourable Edward Foley hath never lived or cohabited with the said Right Honourable Lady Ann Foley, his wife, for some days prior to the thirtieth day of November last, when he first discovered, and was informed that she had carried on a criminal correspondence with the said Lord Peterborough, as herein before pleaded: and this was, and is true, publick and notorious, and so much the said Right Honourable Lady Ann Foley doth know in her conscience, and hath confessed to be true: and the party proponent doth alledge, and propound as before.

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ARTICLE XVII.

That in Hilary term last, the said Hon.
Edward Foley brought his action in his Ma-
jesty's court of King's Bench, Westminster,
against the said Right Honourable Charles
Earl of Peterborough, and Monmouth, for
damages sustained by him, the said Honour-
able Edward Foley, by reason of the crimi-
nal correspondence carried on by the said
Earl of Peterborough, with the said Right
Honourable Lady Ann Foley, wife of him,
the said Honourable Edward Foley; and
on, or about the seventeenth day of March,
the said cause came on to be heard at the
assizes, held in the city of Hereford, be-
fore Sir George Nares; Knight, and Sir
James Eyre; Knight, and a jury of lawful
and honest men, duly impaneled and sworn:
when the said jury having heard the evi-
dence, brought in a verdict for the said Ho-
nourable

nourable Edward Foley, the plaintiff with two thousand five hundred pound damages ; and this was and is true, public and notorious, and so much the Right Honourable Lady Ann Foley doth know or hath heard, and in her conscience believes, and hath confessed to be true, and the party proponent doth alledge and propound as before.

A R T I C L E XVIII.

That in supply of proof of the premises mentioned in the next preceeding article, and all other intents and purposes in the law whatsoever, the party proponent doth exhibit and hereto annex and prays to be here read and inserted, and taken as part and parcel hereof, a certain paper writing marked No. 3, and doth alledge and propound the same to be a true copy of the said verdict mentioned in the next preceeding article, that the same hath been duly ex-

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tracted

tracted from the records of his majesty's court of King's Bench at Westminster, and carefully collated with its original now remaining therein, and agrees therewith, and hath been signed by Samuel Purlewent, that all and singular the contents of the said exhibit, were and are true, that all things were so had and done as are therein contained; and that the Honourable Edward Foley and Ann, therein mentioned, and the Honourable Edward Foley, and the Right Honourable Lady Ann Foley his wife, the parties in this cause, were and are the same persons, and the Right Honourable Charles Henry Earl of Peterborough and Monmouth, therein mentioned, and against whom the said action was brought; and the Right Honourable Charles Henry Earl of Peterborough, and Monmouth, with whom the said Right Honourable Lady Ann Foley, committed the foul crime of adultery as herein before pleaded, was and is one and the same person, and not divers; and this was

was and is true, public and notorious, and
and so much the said Right Honourable
Lady Ann Foley doth know in her con-
science and hath confessed to be true ; and
the party proponent doth alledge and pro-
pound as before,

A R T I C L E X I X .

That of and concerning all and singular
the premises it hath been, and is rightly and
duly complained to you, the vicar general,
and official principal aforesaid, and to this
court ; and the party proponent doth al-
ledge and propound as before.

A R T I C L E X X .

That the said Right Honourable Lady
Ann Foley, was and is of the parish of
Saint Mary-le-bone, in the county of
Middlesex, and diocese of London, and

therefore and by reason of the premises was and is subject to the jurisdiction of this court, and the party proponent doth alledge and propound as before,

A R T I C L E X X I .

That all and singular the premises were and are true, public and notorious, and thereof there was and is a public voice, fame and report, of which legal proof being the party proponent prays right and justice to be effectually done and administered to him and his party in the premises ; and that the said Honourable Edward Foley may be divorced from bed, board, and mutual cohabitation with the said Right Honourable Lady Ann Foley, his wife, by reason of the adultery by her committed ; and that farther may be done and decreed in the premises as shall be lawful in this behalf, the party proponent not obliging himself to
prove

prove all and singular the premises, or to the burthen of a superfluous proof against which he protests and prays, that so far as he shall prove in the premises, he may obtain in his petition the benefit of the law, being always preserved, humbly imploring the aid of your office in this behalf,

(Signed)

GEORGE HARRIS.

of so many and singular the premises as to
~~the burden of a libelous report~~
 which he protests and prays that to be as
 he shall prove in the premises, he may ob-
 tain in the premises the benefit of the law
 being always preserved, humbly imploring

Consistorial and Episcopal Court of
 London, at Doctor's Commons.

DEPOSITIONS.

15th of September, 1785.

The Deposition of Benjamin Smith.

BENJAMIN SMITH, servant to Mr.
 Uxley, Master of the Bell-Inn in the
 city of Worcester, aged twenty-five years
 and upwards, a witness produced and
 sworn.

To the ninth Article of the said libel,
 the Deponent saith, that in the year One
 thou-

thousand seven hundred and eighty-four, he lived as post-boy to the articulate William Macell, Master of the Crown-Inn at Worcester, whose service he quitted in the month of April last; and he saith, that on or about the twenty-eighth day of the month of May, One thousand seven hundred and eighty-four, and whilst he was in the service of the said Mr. Macell, he was sent by the order of the said Mr. Macell, his Master, to Stoke Park, the seat of the Right Hon. Edward Foley, the producent in this cause, with a pair of job horses; and he saith, he continued on the job aforesaid, from the twenty-eighth day of the month of May aforesaid, till on or about the fifth day of the month of September following; and that at the time he the Deponent was on such job, the Right Hon. Charles Henry Earl of Peterborough and Monmouth was then on a visit at Stoke Park to the producent, and continued at Stoke Park the greater part of the

the time he the deponent was there; and he saith, he used very frequently to drive the Earl of Peterborough aforesaid, and the Right Hon. Lady Ann Foley, (wife of the producent, the other party in this cause) out in his the said Lord Peterborough's coach alone together, which coach was a sort of travelling carriage, and could be made use of as a *dormeuse*, it had a large double window in the front, and a narrow bench within, to communicate from one seat to the other; and about three weeks after he the deponent so went to Stoke Court with the said job horses, and drove the said Right Hon. Lady Ann Foley and Lord Peterborough alone together in the said Lord Peterborough's coach, about two miles from Stoke-court, near Eastwood, in the turnpike road to Ledbury, in the county of Hereford; and he saith, as he was driving the said carriage gently up hill, he by accident turned round, rose up in his stirrups, and looked through the

the front window of the said coach, when he then plainly saw the Right Hon. Lady Ann Foley lying on her back on the bench in the said coach, with her thighs naked and extended, and exposed towards him the deponent; and the said Lord Peterborough was then lying upon the said Right Hon. Lady Ann Foley, and between her thighs in the very act of carnal copulation, and continued in that position some few minutes; and he further saith, at such time he has no doubt but that the said Right Hon. Lady Ann Foley, and the said Earl of Peterborough had the carnal use and knowledge of each others bodies, and they then and there committed the foul crime of adultery together; and he further saith, that after the said Lady Ann Foley, and the said Right Hon. Lord Peterborough had quitted the carriage, he the deponent, in pulling up the blinds of the said coach, saw something white hanging out of one of the pockets of the coach, which he took out, and which proved to be a white handkerchief, and on examining it, there appeared on it several marks

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or

or stains, as that they the said Lady Ann Foley, and the Earl of Peterborough had been wiping their privates therewith; and further to the said article of the said libel he knows not to depose

To the tenth article of the said libel the deponent saith: Some time, soon after the time to which he has deposed, he drove the said Right Hon. Lady Ann Foley and Lord Peterborough, in a phaeton, to the top of Stoke Park, near the double gates there, when he stopped by order of the said Lord Peterborough, and the said Lord Peterborough got out of the said phaeton, and entreated the said Lady Ann Foley to walk a little, and she thereupon quitted the carriage also; and the deponent was ordered to remain where he was till they returned; and they walked together about fifty yards from the place where the said carriage stood: but the deponent, from what he had before seen, had his suspicions of something improper passing between them, watched them, but kept himself out of sight: and he saith he saw
the

the Right Hon. Lady Ann Foley aforesaid lay herself down in the grass near some gorse, and then the said Lord Peterborough unbuttoned his breeches, and pulled up her petticoats, and laid down upon her; and he verily believes, and is convinced in his mind, they had then the carnal use and knowledge of each other's bodies, and committed the foul crime of adultery together; for he saith he saw them in that situation together some minutes. And further to the said article of the said libel he knows not to depose.

To the eleventh article of the said libel the deponent saith, that on the very next day after that to which he has already deposed, he again drove the said Right Hon. Lady Ann Foley and the Right Hon. Lord Peterborough, in the said phaeton, to the top of Stoke Park, near the double gates there, and near the same spot where they were at on the day before, when he, the deponent, again stopped by order of the said Lord Peterborough; and then the said Right Hon Lady Ann Foley and Lord

Peterborough got out of the said phaeton, and walked together about one hundred yards amongst the trees, when they stopped, (for he, the deponent, again watched them) and she, the said Right Hon. Lady Ann Foley, put her back to and leaned against an oak tree, and she then, or the said Lord Peterborough, (but which the deponent cannot say) pulled her petticoats up to her waist, and thereby exposed her naked thighs; and the said Lord Peterborough then pulled down his breeches, and got between her legs and thighs, and carnally enjoyed her: and the deponent saw them leaning against the said oak tree, and have the carnal use and knowledge of each other's bodies. And further to the said article of the said libel he knows not to depose.

To the twelfth article of the said libel the deponent saith, that on a day, (but he cannot speak exactly to the time) but between the months of May and September, in the year One thousand seven hundred and eighty-four, he drove the said
Right

Right Hon. Lady Ann Foley and Lord Peterborough, in a phaeton, on the turnpike-road from Stoke Park, to the city of Hereford; and he saith, in the course of such journey, ascending a hill, he turned round, and he then saw the said Lady Ann Foley with her petticoats up, sitting in the said Lord Peterborough's lap, the flap of whose breeches was unbuttoned; and on the said Lord Peterborough perceiving the deponent took notice of them, said, "Postboy, mind your horses, and "don't look at us." And further to the said libel he knows not to depose.

BENJAMIN SMITH.

Depo-

Deposition of Samuel Purlewent.

SAMUEL PURLEWENT, of No. 8, Lincoln's Inn, in the county of Middlesex, Gentleman, aged forty years and upwards, a witness, produced and sworn.

To the first and second article of the said libel, the deponent saith he hath known and been acquainted with the Hon. Edward Foley, the producent in this cause, for three or four years last past, and has had occasion to transact business with him; and having been at his house on such occasions, he has seen Lady Ann Foley, his wife, the other party in this cause, by which means he has obtained a personal knowledge of her. And the deponent further saith to the second article of the said libel, and to the exhibit therein pleaded, marked No. 1, that he, on the eleventh day of the month of March, in the year of our Lord, One thousand seven hundred

hundred and eighty-five, collated the said exhibit, with the original entry, from the register-book of marriages belonging to the parish of Walcot, in the county of Somerset, and having been shewn the same, which he has carefully viewed and perused : he saith it agrees therewith, and that all and singular the contents of the said exhibit were and are true ; and also that he verily believes the Hon. Edward Foley, of the parish of St. Mary-le-Bone, in the county of Middlesex, and member in the present parliament for the county of Worcester, a batchelor, and the Right Hon. Lady Ann Margaret Coventry, (youngest daughter of the Right Hon. George-William, Earl of Coventry) therein mentioned, and the Right Hon. Edward Foley, and the Right Hon. Lady Ann Foley, the other party in this cause, were and are the same persons. And he also saith, that the names " Samuel Purlewent," set and subscribed to the said exhibit, marked No. 1, as aforesaid, were and are of his
own

own proper hand-writing. And further to the said articles or exhibit therein pleaded he knows not to depose.

To the seventeenth and eighteenth articles of the said libel, and to the exhibit therein pleaded and propounded, the deponent saith, that he was employed as agent by Mr. White, the attorney of the producent in this cause, and that in Hilary term last the said Hon. Edward Foley brought his action, in his Majesty's court of King's Bench, at Westminster, against the Right Hon. Charles Henry, Earl of Peterborough and Monmouth, for damages sustained by him, the said Hon. Edward Foley, the producent, by reason of a criminal correspondence carried on by the said Earl of Peterborough with the said Right Hon. Lady Ann Foley (wife of him, the said Hon. Edward Foley, the producent) and on or about the seventeenth day of the month of March, in the year One thousand seven hundred and eighty-five, the
said

said cause came on to be heard at the assizes held in the city of Hereford, before Sir George Nares, Knt. and Sir James Eyre, Knt. and a jury of lawful and honest men duly impanelled and sworn, (at which assizes the deponent was present) when the said jury having heard the evidence, brought in a verdict for the said Hon. Edward Foley, the plaintiff, with two thousand five hundred pounds damages. And the deponent having carefully viewed and perused a certain paper writing, and herein pleaded and propounded, and marked No. 3, doth depose and say the same is a true copy of the said verdict by him predeposed to, and that the same was extracted from the records from his Majesty's Court of King's Bench, at Westminster, and carefully collated by him, with its original now remaining therein, and that it agrees therewith; and that the names "Samuel Purlewent," thereto subscribed, are of his, the deponent's, own proper hand-writing. And he further saith, he verily believes that all and

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singular the contents of the said exhibit were and are true, and that all things were so had and done as are therein contained ; and that the Hon. Edward Foley and Ann, therein mentioned, and the Right Hon. Lady Ann Foley, his wife, the parties in this cause, were and are the same persons ; and the Right Hon. Charles Henry Earl of Peterborough and Monmouth therein named, and against whom the said action was brought, and the Right Hon. Charles Henry Earl of Peterborough and Monmouth, with whom the said Right Hon. Lady Ann Foley committed the foul crime of adultery, was and is the same person. And further to the said libel and exhibits he knows not to depose.

SAMUEL PURLEWENT.

The

The Deposition of John Robinson.

JOHN ROBINSON, of Bolton-Street, Piccadilly, in the parish of St. George, Hanover-Square, in the county of Middlesex, Gentleman, aged thirty years and upwards, a witness, produced and sworn.

To the fourteenth article of the said libel, and to the exhibit therein pleaded and propounded, and marked No. 2, the deponent saith, he knows and is well acquainted with the Right Hon. Charles Henry Earl of Peterborough and Monmouth, and has very many times seen him write, and also subscribe his name, by which means he is acquainted with his manner and character of hand-writing and subscription; and being shewn the said exhibit, marked as aforesaid No. 2, and having carefully viewed and perused the same, he saith, he verily and in his conscience believes the whole body, series, and contents thereof, to be of the proper

singular the contents of the said exhibit were and are true, and that all things were so had and done as are therein contained; and that the Hon. Edward Foley and Ann, therein mentioned, and the Right Hon. Lady Ann Foley, his wife, the parties in this cause, were and are the same persons; and the Right Hon. Charles Henry Earl of Peterborough and Monmouth therein named, and against whom the said action was brought, and the Right Hon. Charles Henry Earl of Peterborough and Monmouth, with whom the said Right Hon. Lady Ann Foley committed the foul crime of adultery, was and is the same person. And further to the said libel and exhibits he knows not to depose.

SAMUEL PURLEWENT.

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proper hand-writing of the said Right Hon. Charles Henry Earl of Peterborough. And he further saith, he verily believes the said Right Hon. Charles Henry Earl of Peterborough, who he believes did so write the said letter, and the Right Hon. Lady Ann Foley, party in this cause, to whom the said letter is addressed thus: "My dear Ann," to be the same persons, and not divers. And further to the said libel or exhibit he knows not to depose.

J. ROBINSON.

The

The Deposition of John Davis.

JOHN DAVIS, of Tarrington, near Stokes, in the county of Hereford, bricklayer, aged thirty-two years and upwards, a witness, produced and sworn.

To the third, fourth, and fifteenth articles of the said libel the deponent saith, he has worked and been employed as a bricklayer by the Right Hon. Edward Foley, the producent in this cause, for these thirteen or fourteen years last past, at his seat at Stoke Park, in the county of Hereford, by which means he came first to know the said producent; and he saith he also knows the Right Hon. Lady Ann Foley, his wife, the other party in this cause, very well personally, by having very frequently seen her at Stoke aforesaid. And he saith he is also well acquainted personally with the Right Hon. Charles Henry, Earl of Peterborough and Monmouth;

mouth; that there appeared to the deponent to be a very great intimacy subsisting between the said Earl of Peterborough and the parties in this cause; and he, the said Earl of Peterborough, used very often to be at Stoke Park aforesaid, the seat of the producent. And he further saith, the Right Hon. Lady Ann Foley, and the Earl of Peterborough aforesaid, used to be, and the deponent hath seen them very frequently, together alone, sometimes riding in a phaeton, and at other times walking in the Park and about Mr. Foley the producent's premises. And the deponent saith, that on Thursday the thirtieth day of September, One thousand seven hundred and eighty-four, (he is certain as to the time, for he remembers the next day was Ledbury Fair) he had been that day employed in pulling down a pigeon-house in Stoke Park, and was returning from his work about six of the clock in the evening of the same day; and as he was walking along the road, (which road runs parallel with

with a shrubbery in Mr. Foley's, the producent's grounds) he heard the voice of a female crying "Oh dear! you hurt me!" three several times, which induced the deponent to look and see who was there, and the cause of such complaint; when, to his surprize, he saith, he saw the Right Hon. Lady Ann Foley (wife of the Right Hon. Edward Foley, the producent in this cause) and the Earl of Peterborough aforesaid together, in the walk in the shrubbery, near the grotto, in the said producent's gardens at Stoke Court aforesaid; and he, the said Earl of Peterborough, was then standing in the said walk with the said Right Hon. Lady Ann Foley in his arms; that her arms were round his neck, and her legs round his, with her cloaths up to her waist, and her nakedness exposed from her waist downwards; and his arms were round her body, and he saw their bodies in motion; and he saith he verily believes, and has not the smallest doubt, but, at the time he so saw them, the said Right Hon. Lady
Ann

Ann Foley and him the said Earl of Peterborough together as aforesaid, that they had the carnal use and knowledge of each other's bodies, and that they committed the foul crime of adultery together. And further to the said libel he knows not to depose.

JOHN DAVIS.

EXHI-

EXHIBIT, No. I.

THE register book of marriages, belonging to the parish of Walcott in the county of Somerset, beginning September, 1770.

The year 1778, page 133.

The Honourable Edward Foley of the parish of St. Mary-Le-Bone, in the county of Middlesex, and member in the present parliament for the county of Worcester, a batchelor; the Right Honourable Lady Ann Margaret Coventry, youngest daughter of the Right Honourable George William Earl of Coventry, of this parish a spinster, were married in this parish by special licence at the house of J. Lucy, in Alfred-street, the twenty-fourth day of October, in the year one thousand seven hundred and seventy-eight, by me St. A. St. John, Rector Fawley, Com. Southton.

I

This

This marriage was solemnized between
us,

Edward Foley,
Ann Coventry.

In the presence of
Coventry,
Maria Bayntun,
Andrew Bayntun.

Eleventh of March, 1785.

The above is a true copy of the register,
examined and compared by me with the
original,

Samuel Purlewent.

EXHIBIT, No. II.

Cheltenham, Saturday morning.

My dear Ann,

I Had not left you five minutes last night
before I repented of having fixed on
Sunday for our meeting. A thousand rea-
sons

sons (of which few will be necessary to convince you) occur to me now, which I did not, at that time, owing to the total privations of my senses at the sight of — when I almost *dispaired* of it. I think Mr. Foley's coming to-morrow a certainty, as the Hereford election is to be on Monday, which will be a much better day, as you are sure of his not being with you.

Maull's guardianship will also expire on Mr. Foley's return, without the possibility of his having any thing to say against you. You had better air on the London-road to meet him, as your apparent impatience to see him will certainly please him, and by that means you will also have an opportunity of giving the first account of yourself, which, when he finds it correspond exactly with Maull's, will not only remove all suspicions of our having met intentionally but will restore you to a greater confidence than ever. I hope that you will pardon me

for having advised you what to do, who can judge so much better for yourself; but my anxiety about every thing that interests you, and the impossibility of communicating your sentiments to me, which I think on this subject must agree with mine, will justify me.

Adieu my dear Ann till Monday, when I will be at the three mile-stone from Ledbury, at half an hour after five.

My ride yesterday has quite destroyed the good effects of the waters.

EXHIBIT, No. III.

PLEAS before our Lord the King at Westminster, of the term of Saint Hilary, in the twenty-fifth year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France,
and

*and Ireland, King, Defender of the Faith,
and in the year of our Lord One Thousand
Seven Hundred and Eighty-five.*

ROLL, No. 1658.

Herefordshire, } The Honourable Edward
to wit. } Foley puts in his stead John
Davis, his attorney, to prosecute his suit
against the Right Honourable Charles
Henry Earl of Peterborough and Mon-
mouth, of a plea of trespass and assault.

Herefordshire, } The said Charles Henry
to wit. } Earl of Peterborough and
Monmouth, puts in his stead Bateman
Robson, his attorney, at the suit of the
said Edward, in the plea aforesaid.

Herefordshire, } Be it remembered, that on
to wit. } Monday next after eight
days of Saint Hilary, in this said term,
before our Lord the King at Westminster,
came

came the Honourable Edward Foley, by John Davis, his attorney, and brought into the court of our said Lord the King then there, his certain bill against the Right Honourable the Earl of Peterborough and Monmouth, of a plea of trespass and assault, and there are pledges of a prosecution, to wit, John Doe and Richard Roe; which said bill follows in these words, (to wit) Herefordshire, (to wit) the Honourable Edward Foley complains of the Right Honourable Charles Henry Earl of Peterborough and Monmouth : for that the said Earl, on the 13th day of September, in the year of our lord one thousand seven hundred and eighty four, and on divers other days and times between that day and the day of exhibiting the bill of the said Edward, with force and arms, (to wit) with sticks, staves, clubs, and fists, assaulted Ann the wife of him the said Edward, at Ross, in the county of Hereford; and then and there ravished, lay with, debauched,

bauched, and carnally knew the said Ann, the wife of the said Edward, whereby the said Edward for a long time, to wit, upon and during the several days and times aforesaid, was deprived of and lost the comfort and society of his said wife. And also for that the said Earl afterwards, to wit, on the 19th day of November, in the year aforesaid, and on divers other times between that day and the day of exhibiting the bill of the said Edward, with force and arms, to wit, with sticks, staves, clubs, and fists, again assaulted the said Ann, the wife of him the said Edward, at Ros, aforesaid, in the county aforesaid; and on the same nineteenth day of November, in the year aforesaid, led and took away the said Ann, and kept and detained the said Ann from the said Edward for a long time, to wit, from thence until the day of exhibiting the bill of the said Edward, without the licence and against the will of the said Edward, whereby the said Edward, during

during all the time last aforesaid, hath lost and been deprived of the comfort, society, and assistance of his said wife, and other wrongs to the said Edward then and there did, against the peace of our lord the now king, and to the damage to the said Edward of Five Thousand Pounds; and therefore he brings suit, &c.

And the said Earl by Bateman Robson, his attorney, comes and defends the wrong and injury, when, &c. and saith that he is not guilty of the premises above laid to his charge, in manner and form as the said Edward hath above thereof complained against him. And to this the said Earl puts himself upon the country, and the said Edward does the like. Therefore let a jury come thereupon before our lord the king at Westminster, on Saturday next after eight days of the purification of the blessed Virgin Mary, and who neither, &c. to recognize, &c. because as well, &c. the
same

same day is given to the same parties there, &c.

Afterwards the proceedings are continued between the parties aforesaid, in the plea aforesaid, by respiting the jury before our lord the king at Westminster until Wednesday next, after fifteen days from the day of Easter, unless the justices of our lord the king, appointed to hold the assizes in the county aforesaid, shall first come on Thursday the seventeenth day of March, at Hereford, in the county aforesaid, according to the form of the statute, &c. for default of the jurors, &c. At which day before our said lord the king at Westminster, the said Edward comes by his attorney aforesaid, and the said justices, before whom, &c. send here their record had before them in these words. Afterwards, that is to say, on the day in the year and in the place within mentioned, come as well the within named the Honourable Edward Foley, as the within also named

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the Right Hon. Charles Henry Earl of Peterborough and Monmouth, by their attornies within named, before Sir George Nares, Knight, one of the justices of our lord the king of his Court of Common Pleas at Westminster, Sir James Eyre, Knight, one of the barons of our said lord the king, of his Court of Exchequer at Westminster, and others their fellow justices of our said lord the king, assigned to hold the assizes for the within written county of Hereford, according to the form of the statute, &c. and the jurors of the jury whereof mention is within made, being summoned to be upon that jury being demanded, to wit, George Carpenter, Esquire, William Taylor, Esquire, John Harris, Esquire, Thomas Harris, Esquire, John Steadman, Esquire, John Durbin, Esquire, Thomas Davies, Esquire, Henry Philpott, Esquire, Henry Stone, Esquire, William Greenly, Esquire, Edward Tovey, Esquire, and Thomas Tomkins, Esquire, came, and being chosen
tried,

tried, and being sworn to speak the truth of the matters within contained, on their oath say, that the said Earl is guilty of the premises within laid to his charge, in manner and form as the said Edward hath within thereof complained against him; and the said jurors assess the damages of the said Edward by reason of the premises, besides his costs and charges, by him about his suit in this behalf laid out and expended, to two thousand and five hundred pounds, and for his said costs and charges to forty shillings. Therefore it is considered, that the said Edward recover against the said Earl the damages so as aforesaid, by the said jury, and also two hundred and twenty-two pounds for increase of his said court and charges adjudged by this costs to the said Edward at his request, which damages amount in the whole to the sum of two thousand seven hundred and twenty-four pounds.

Examined with the original record in the custody of the Clerk of King's Bench Treasury,

SAMUEL PURLEWENT.

9th May, 1785.

S E N T E N C E.

Upon hearing the depositions in this cause, it was decreed and adjudged that the the Right Honourable Lady Ann Foley be divorced from bed, board, and mutual cohabitation with the Honourable Edward Foley, her husband, by reason of adultery.

F I N I S.

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By Mr. W I L K I N S O N.

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12. Capt. B—k—y. 13. Capt. R—b—ts; and 14. Capt. S—h—y.

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